IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.22394-M of 2006

Date of Decision: December 13, 2006

Rajesh Ahuja

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE RANJIT SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.L.M.Gulati, Advocate,
for the petitioner.

Mr.Yashwinder Singh, AAG, Haryana,
for the State.

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This order will dispose of Criminal Misc.Petition Nos.22394-M of 2006 (Rajesh Ahuja v. State of Haryana), 22727-M of 2006 (Ram Niwas Dhiman v. State of Haryana) and 61351-M of 2006 (Dalbir Singh v. The State of Haryana). The facts have been taken from Crl.Misc.No.22394-M of 2006.

Rajesh Ahuja, claiming himself to be a Reporter with N.R.I. TV, has filed this petition seeking anticipatory bail in FIR No.62 dated 6.4.2006 registered against him under Sections 384/506/120-B IPC at Police Station, Murthal. Subsequently an offence under Section 452 IPC was also added. This FIR has been lodged by the Principal of Govt. Girls Senior Secondary School, Murthal, Sonepat (hereinafter called the `Girls School') with the allegation that the petitioner alongwith four other persons had entered the Girls School without taking any permission. He had started interviewing some of the girl students, which he recorded on camera. Lateron petitioner alongwith other companions had also gone to the office of the Principal and had questioned the Principal in regard to complaint made against him by Smt.Promila. The identity of the other persons, accompanied the petitioner, was not disclosed by him, though enquired by the complainant/Principal. While leaving the office of the Principal, the petitioner had statedly threatened the Principal if he questioned Ms. Promila in this regard in any manner. The complainant/Principal had immediately informed the District Education Officer.

After some days, one CD was displayed on the TV. A demand for money was also raised with the threat that in case this was not met, then the CD will be distributed in the whole city. The complainant had also alleged in the FIR that petitioner had called his son and demanded Rs.25,000/-each for five persons for not showing the CD of the complainant on TV. In this background, the present FIR was lodged.

When the case was taken up on 2.5.2006,

Superintendent of Police, Sonepat, who was present in the Court, was requested to verify the investigation, specially if the petitioner had sought any permission before entering the Girls School. The arrest of the petitioner was stayed. On 11.5.2006, a reply/affidavit on behalf of the S.P.Sonepat was filed. On that day, it was noticed that offence under Section 452 IPC was also added. Order staying the arrest of the petitioner was also made effective for offence under Section 452 IPC as well. The case was adjourned from time to time and has been heard today.

The learned counsel for the petitioner has submitted that the petitioner has joined investigation and nothing more is now to be done in this case and accordingly the interim order, staying the arrest of the petitioner, may be made absolute. This prayer, however, has been strongly opposed by the State counsel. It is submitted that the petitioner, who is even not the accredited newsman, has acted in this highhanded manner by entering the Girls School and had tried to misbehave enforcing entry for which he would not have any authority. In the reply/affidavit filed on behalf of the S.P.Sonepat, it has been clearly disclosed that the petitioner had never obtained any permission from District Public Relations Officer to enter the Govt.Girls Senior Secondary School, Murthal. It is also disclosed that the petitioner and his companions, five in number, had not submitted any authority letter issued by any Newspaper or News channel in the office of Public Relations Officer and they have not been issued any recognition in this regard. The petitioner had also not sought prior permission for entering the School and interviewing the girl students.

During the course of arguments, despite repeated queries

by the Court, the counsel for the petitioner could not show any provision of law or any other authority under which the petitioner could have entered the Girls School and interviewed the girl students or could have interviewed the Principal. If some misconduct is alleged against the Principal, then the petitioner had no role, authority or power to enter the Girls School in this manner. The counsel for the petitioner was totally misconceived in submitting that this was done being a righteous course considered by the petitioner. I have not been able to understand as to how a citizen could assume responsibility to act in this manner that too in respect of a Girls School. The petitioner has not been able to show that he is a recognised press reporter. Even if he was so, then also he cannot take the law into his own hand and act as a law enforcing agencies in this manner. If such a course is left open, it may lead to chaos. Any person, then would be able to do or act in a manner he feels it to be right. The stand of the petitioner, as such, cannot be accepted under any circumstances whatsoever. It has otherwise not been denied by the petitioner that he has entered the Girls School, though the counsel made an attempt to show that it was after obtaining permission, but this was totally belied from the material on record and was found to be un-true. He had otherwise admitted recording of CD. He had also admitted to have gone and questioned the Principal in regard to the complaint made by Smt.Promila. The petitioner had also not denied that this CD was displayed on TV. The petitioner cannot escape the allegations made against him in the FIR and with what purpose and motive he has done, needs to be investigated. I am, therefore, of the opinion that this is a fit case where the custodial

interrogation of the petitioner would be needed. No case for grant of anticipatory bail is made out and accordingly the present petitions are dismissed.

December 13, 2006 (RANJIT SINGH)
ramesh JUDGE